

Exhibit “C”

WILLIAM J. VIGILANTE JR., PhD, CPE
Human Factors / Ergonomics Expert

HUMAN FACTORS and ERGONOMICS EXPERIENCE

Over 22 years of experience in the researching, designing, and evaluating driver performance, roadway safety, pedestrian safety, control-display design, consumer and commercial products and equipment, safety and hazard analyses, risk perception, and design of warnings and instructional materials.

- **Warnings:** Assess the adequacy of warning labels, signs, and user manuals to communicate hazards, motivate compliance, and improve safety. Assess the effect of the warning design and presentation as well as situational and inter/intra personal factors on compliance and risk taking behavior.
- **Vision and Driving:** Assess issues related to visual perception, reaction time, and expectancies along with lighting and roadway conditions related to vehicle collisions. Investigation of pedestrian knockdown collisions, collisions involving stop or slow-moving vehicles, and collisions related to lack of positive guidance and adequate roadway signage.
- **Motorcycle:** Assess rider actions and visibility.
- **Slips, Trips, and Falls:** Determine how attention and perceptual issues affect a person's ability to detect and avoid slip, trip, and fall hazards. Standard of care for building owners/operators and retailers to ensure safe walking surfaces in public spaces.
- **Work Place Safety:** Assess work place and equipment design and safety procedures on incident occurrence and prevention.
- **Recreational and Sporting Activities:** Perceptual abilities and reaction times and how these human factors affect people's ability to safely interact with recreational vehicles, sporting equipment, firearms, and swimming pools.
- **Lighting:** Environmental lighting analysis and its effect on people's ability to notice and recognize walkway and roadway hazards.
- **Accessibility:** Evaluating consumer and commercial products to meet Section 508 of the Americans with Disabilities Act.
- **Aging:** Assess the effects of aging on older adult's ability to read product labels and warnings; operate motor vehicles including night driving and vision, perception/reaction time and roadway navigation; and wayfind in the built environment including the effects of changes in gait, walking ability, and detecting and avoiding walkway hazards.
- **Medication Labeling:** Assess people's ability to notice, read, and understand medication labeling and advertising.
- **Product Design and Development:** Developed a variety of hardware and software interfaces and support materials for a wide range of consumer and commercial products, including: graphical user interface designs, laptop and desktop computer systems, wireless systems, input devices, storage devices, visual displays, user guides, installation wizards, safety manuals, web sites, and an eXtensible markup language (XML).
- **User Centered Design:** Carried out User Centered Design processes and activities within all phases of the product design and development cycle, including: task analyses, competitive evaluation, focus groups, iterative usability testing, and design validation.

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PROFESSIONAL EXPERIENCE

2015 to **Vigilante Forensic**

Present *Principal*

Provide technical investigations, analysis, reports, and testimony toward the resolution of commercial and personal injury litigation involving human factors/ergonomics, safety and risk perception, warning design, product design and development, industrial/workplace safety, roadway safety, driver performance and night vision, and premises safety.

2003 to **Robson Forensic, Inc.**

2015 *Associate*

Provide technical investigations, analysis, reports, and testimony toward the resolution of commercial and personal injury litigation involving human factors/ergonomics, safety and risk perception, warning design, product design and development, industrial/workplace safety, roadway safety, driver performance and night vision, and premises safety.

Fournier Robson, Inc.

Consulted with manufacturers in the design, development, and/or assessment of product warnings and accompanied literature for consumer and commercial products.

2001 to **ARCCA, Inc.**

2003 *Forensic Scientist*

Consultant for consumer product and safety hazard litigation. Provided background research, written reports, and testimony.

1998 to **International Business Machine Corporation**

2003 *Human Factors/Usability Engineer Consultant*

1998 - 2002

- Worked with internal IBM clients to conduct usability studies; report user feedback data and recommendations; and transform results and recommendations into product design decisions.
- Provided human factors support in the design and development of a data mining program used to research and create action plans for failures reported from in-the-field storage servers.
- Provided human factors support in the design and development of storage servers and tape library systems.
- Provided usability support and evaluation in the design and development of IBM's eXtensible Markup Language (XML) and software interface updates to the IBM information development editors that support the new XML.

Human Factors Engineer

1998-2002

- User Centered Design (UCD) team lead for the IBM Personal Computing Division's T and S series ThinkPad laptop computers and wireless development.
- Initiated and implemented software and hardware product design changes resulting from focus groups, iterative usability testing, and heuristic reviews during the product development cycle.
- Conducted competitive assessments to evaluate products ease-of-use against major market competitors.

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- Inputted into the functional specifications and designed the user interface for the IBM Access Connections™ network connection wizard.
- Section 508 Accessibility assessment of products developed within the ThinkPad and Options development teams.
- Worked within a cross-industry team to define user interface specifications and guidelines for the development of SIG qualified Bluetooth products.

1997 to International Business Machine Corporation

1998 *Human Factors Engineer Co-op*

Developed and conducted focus groups and usability test sessions for the assessment of various Internet and Intranet web sites. Developed and implemented web based surveys to obtain user data. Recommended and implemented design changes based on usability results.

1995 Pennsylvania State University, Center for Cumulative Trauma Disorders

Ergonomics Researcher

Performed on-site video recording, data collection, and data analysis for biomechanical task analysis. Collaborated with other team members to identify injury risk factors and develop solutions to reduce or eliminate worker exposure.

1994 to North Carolina State University, Department of Psychology

1997 *Academic Advisor*

Implemented and maintained an academic advising program for the psychology department. Responsible for advising undergraduate psychology students in scheduling their course work and progression towards a B.S. degree.

RESEARCH EXPERIENCE

1994 to North Carolina State University, Department of Psychology

2001 *Research Assistant*

Conducted research examining the factors that affect the adequacy of warnings and product user risk perception. Specialized in the format and layout designs of operator manuals, on-product warnings and instructions, and Direct-to-Consumer web site advertisements for prescription medications. Supervised undergraduate students in a grant project focusing on the readability of over-the-counter medication labels. Worked with students from the NCSU Cognitive Ergonomics lab in developing original research projects related to visual and auditory warnings and risk perception.

1992 to University of Scranton, Department of Psychology

1993 *Research Assistant*

Conducted literature reviews, designed a computer program for a reaction time experiment, collected and analyzed data. Instructed and proficiency tested students in word processing programs and statistical applications. Worked with students developing original research projects. Conducted literature reviews, collected data, analyzed results, and performed other research duties for a research study examining the prediction of relapse rates for dually diagnosed psychiatric in-patients.

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EDUCATION

Ph.D., Psychology/Ergonomics, North Carolina State University, Raleigh, NC, 2001

M.S., Psychology/Ergonomics, North Carolina State University, Raleigh, NC, 1997

B.S., Psychology/Cognitive Track, University of Scranton, Scranton, PA, 1993

PROFESSIONAL CERTIFICATION

Board of Certification in Professional Ergonomics, CPE #2019

WORKSHOPS and CONTINUING EDUCATION

- Ensuring Pedestrian Safety in Work Zones:
 - Webinar 28961: The American Traffic Safety Services Association. September 2012
- Safety and Emergency Response Training, Confined Space Safety, FIRECON, 2009
- Stairway Usability and Safety, Part 1: Uses and Falls by Individuals:
 - Workshop 1: Human Factors and Ergonomics Society 51st Annual Meeting. October, 2007 Instructor: Jake Pauls
- There Goes the Sun: Driver Vision and Behavior during Dusk and Darkness Workshop 145:
 - 86th TRB Annual Meeting January 2007. Instructors: John D. Bullough, Rensselaer Polytechnic Institute; James R. Sayer, University of Michigan Transportation Research Institute; David M. Burns, 3M Company
- Human Factors Principles in Auditory Displays and Warning Signal Design
 - Workshop 8: Human Factors and Ergonomics Society 49th Annual Meeting. September, 2005. Instructors: John G. Casali & Jeff A. Lancaster, Virginia Tech
- Sound/Noise Measurement Basics with Specific Application to Human Factors Research and Practice
 - Workshop 12: Human Factors and Ergonomics Society 48th Annual Meeting. September, 2004. Instructors: John G. Casali & Gary S. Robinson, Virginia Tech
- Risk Assessment and Human Reliability: Some Practical Tools for Improving Safety
 - Workshop 125: 83rd TRB Annual Meeting. January 2004. Instructors: Dennis C. Bley & John Wreathall, The WreathWood Group; Joseph Myers, US Coast Guard; Emile Roth, Roth Cognitive Engineering
- Human Factors Approach to Accident Analysis and Prevention
 - Workshop 2: Human Factors and Ergonomics Society 47th Annual Meeting. October 2003. Instructors: Scott A. Shappell, Federal Aviation Admin.; Douglas A. Wiegmann, University of Illinois
- Motorcycle Safety Foundation:
 - Basic Rider Course (certificate)
 - Off-Highway Motorcycle Course (certificate)
- Raymond "Safety on the Move" Forklift Certification Program (Stand-up/Sit-down Reach/Counterbalanced trucks), Jan 2014

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PROFESSIONAL MEMBERSHIPS and AFFILIATIONS

Member:

- American Society of Safety Engineers
- Human Factors and Ergonomics Society
 - Safety Technical Group (past and present) Program Chair
- Illuminating Engineering Society
- Transportation Research Board

Reviewer:

- Applied Ergonomics
- Ergonomics
- Human Factors and Ergonomics in Manufacturing
- International Journal of Human Factors and Ergonomics
- Proceedings of the Annual Human Factors and Ergonomics Society Meeting
- User-Centered Consumer Product Design Award: HFES Product Design Technical Group

PUBLICATIONS and PRESENTATIONS

Eckhardt, B. J., Vigilante, W. J., Jr., & Coste, P. F. (2012) Visibility Factors in Small Boat Collisions. Presented at the 2012 International Marine Forensics Symposium. National Harbor, MD: The Society of Naval Architects and Marine Engineers & American Society of Naval Engineers.

Hicks, K. E., Vigilante, W. J., Jr. & Wogalter, M. S. (2001). Relative placement of benefit and risk information in direct-to-consumer advertisements of prescription drugs on the World Wide Web. In Proceedings from the Human Factors and Ergonomics Society 45th Annual Meeting (pp. 1196-1200). Santa Monica, CA: The Human Factors and Ergonomics Society.

Hicks, K. E., Wogalter, M. S., & Vigilante, W. J., Jr. (2005). Placement of benefits and risks in prescription drug manufacturers' Web sites and information source expectations. *Drug Information Journal*, 39 (3), 267.

Joyce, K. M., Byrd, T. G., Vigilante, W. J., Jr., & Wogalter, M.S. (1999). Over-the-counter (OTC) drug labeling: format preferences. Presented at the 107th Annual Convention of the American Psychological Association. Boston, MA: American Psychological Association.

Lim, R. W. & Vigilante, W. J., Jr. (2010). Consumers' interpretation of the statement: "Do not leave [insert product here] unattended." In Proceedings of the Human Factors and Ergonomics Society 54th Annual Meeting (1841 – 1845). Santa Monica, CA: The Human Factors and Ergonomics Society.

Lim, R. W., Keshishian, P., Hernandez, J., and Vigilante, W. J., Jr. (2008). Parent's expectations and beliefs toward the relative safety of their children riding bicycles at night. In Proceedings of the Human Factors and Ergonomics Society 52st Annual Meeting (1703-1707). Santa Monica, CA: The Human Factors and Ergonomics Society.

Lim, R. W. & Vigilante, W. J., Jr. (2007). Middle-school-aged children's expectations and beliefs toward the relative safety of riding bicycles at night. In Proceedings of the Human Factors and Ergonomics Society 51st Annual Meeting (1383-1387). Santa Monica, CA: The Human Factors and Ergonomics Society.

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Nemire, K. & Vigilante, W.J., Jr. (2015). A call for updating the FHSA regulations with warnings research and to match ANSI Z535.4. In Proceedings from the Human Factors and Ergonomics Society International 59th Annual Meeting (pp. 1471-1475). Santa Monica, CA: The Human Factors and Ergonomics Society.

Turina, M., Schaible, R., Vigilante, W. J., Jr. (2009). Forensic ergonomics: theory and practice. Paper presented and abstract published at the 41st Annual Conference of the Nordic Ergonomics Society. LO-Skolen, Helsinøre, Denmark: Nordic Ergonomics Society.

Tomcho, T. J., Vigilante, W. J., Jr., Church, M. A., Truscott, J. W., & Alford, B. A. (1993). Self-concept as a predictor of therapeutic response in dual-diagnosed psychiatric inpatients. Paper presented at the 64th meeting of the Eastern Psychological Association. Arlington, VA: Eastern Psychological Society.

Vigilante, W. J., Jr. (2005). Consumer beliefs toward the protection offered by motorcycle helmets: the effects of certification, price, and crash speed. In Proceedings from the Human Factors and Ergonomics Society 49th Annual Meeting (pp. 862-866). Santa Monica, CA: The Human Factors and Ergonomics Society.

Vigilante, W. J., Jr. (2001). Direct-to-Consumer (DTC) advertising of prescription medications on the World Wide Web: assessing the communication of risks and benefits. Dissertation Abstracts International, 63, 341.

Vigilante, W. J., Jr. (1998). Product manual safety warnings: the effects of ordering. In Proceedings from the Human Factors and Ergonomics Society 42nd Annual Meeting (pp. 593-597). Santa Monica, CA: The Human Factors and Ergonomics Society.

Vigilante, W. J., Jr. (1997). Product manual safety warnings: the effects of ordering. North Carolina State University. Masters Thesis.

Vigilante, W. J., Jr. & Fuccella, J. (Dec. 1997). eNetwork Web Site Survey Results. IBM Area Presentation, Internal Use Only. Research Triangle Park, NC: International Business Machine.

Vigilante, W. J., Jr. & Lim, R.W. (2010). Chapter 108: Hazard Perceptions of Consumer Products. In W. Karwowski and G. Salvendy (Eds.) Advances in Human Factors, Ergonomics, and Safety in Manufacturing and Service Industries (Ed.). Boca Raton, FL: CRC Press.

Vigilante, W. J., Jr. & Lim, R.W. (2010). Hazard Perceptions of Consumer Products. In Proceedings of the 3rd International Conference on Applied Human Factors and Ergonomics. Louisville, KY: AHFE International.

Vigilante, W. J., Jr. & Lim, R. W. (2006). Children's expectations and beliefs toward the relative safety of riding bicycles at night. In Proceedings of the 16th World Congress on Ergonomics (pp. 1381-1386). Roma, Italy: International Ergonomics Association.

Vigilante, W. J., Jr., Mayhorn, C., & Wogalter, M.S. (2007). Direct-to-Consumer (DTC) prescription drug advertising on television and online purchases of medications. In Proceedings of the Human Factors and Ergonomics Society 51st Annual Meeting (pp. 1272-1276). Santa Monica, CA: The Human Factors and Ergonomics Society.

Vigilante, W. J., Jr. & Reeves, P. (2012). Human factors related to programmable thermostats: consumers knowledge and perceptions related to product use and hazards. In Proceedings from the

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Human Factors and Ergonomics Society 56th Annual Meeting (pp.680-684). Santa Monica, CA: The Human Factors and Ergonomics Society.

Vigilante, W. J., Jr., & Reeves, P. & Lim, R. (2014). Hunting from elevated tree stands: hunter's safety practices and attitudes regarding the use of personal fall arrest systems. In Proceedings from the Human Factors and Ergonomics Society 58th Annual Meeting (pp. 1874-1878). Santa Monica, CA: The Human Factors and Ergonomics Society.

Vigilante W. J, Jr., & Rhoades, T., Arndt, S, & Cohen H.H. (2009). Forensic human factors/ergonomics practice from the perspective of the forensic consulting firms. In Proceedings of the Human Factors and Ergonomics Society 53rd Annual Meeting (pp. 546-548). Santa Monica, CA: Human Factors and Ergonomics Society.

Vigilante, W. J., Jr., & Wogalter, M. S. (2005). Assessing risk and benefit communication in direct-to-consumer medication Web site advertising. *Drug Information Journal*, 39(1), 3.

Vigilante, W. J., Jr., & Wogalter, M. S. (2001). Direct-to-consumer (DTC) advertising of prescription medications on the World Wide Web: assessing the communication of risks. In Proceedings from the Human Factors and Ergonomics Society 45th Annual Meeting (pp. 1279-1283). Santa Monica, CA: The Human Factors and Ergonomics Society.

Vigilante, W. J., Jr., & Wogalter, M. S. (1999). Over-the-counter drug labeling: format preferences. In Proceedings from the Human Factors and Ergonomics Society 43rd Annual Meeting (pp. 103-107). Santa Monica, CA: The Human Factors and Ergonomics Society.

Vigilante, W. J., Jr., & Wogalter, M. S. (1998). Older adults' perception of OTC drug labels: print size, white space, and design type. Presented at the International Occupational Ergonomics and Safety Conference XIIIth Annual Meeting. Ann Arbor, MI: The International Occupation Ergonomics and Safety Society.

Vigilante, W. J., Jr., & Wogalter, M. S. (1997). On the prioritization of safety warnings in product manuals. *International Journal of Industrial Ergonomics*, 20(4), 277-285.

Vigilante, W. J., Jr., & Wogalter, M. S. (1997). The preferred order of over-the-counter (OTC) pharmaceutical label components. *Drug Information Journal*, 31(3), 973-988.

Vigilante, W. J., Jr., & Wogalter, M. S. (1996). The ordering of over-the-counter (OTC) pharmaceutical label components. In Proceedings from the Human Factors and Ergonomics Society 43rd Annual Meeting (pp. 141-145). Santa Monica, CA: The Human Factors and Ergonomics Society.

Vigilante, W. J., Jr., & Wogalter, M. S. (1996). The ordering of safety warnings in product manuals. In A. Mital, H. Krueger, S. Kumar, M. Menozzie, and J. E. Fernandez (Eds.), *Advances in Occupational Ergonomics and Safety*. Amsterdam: IOS Press.

Wogalter, M. S., Conzola, V. C., & Vigilante, W. J., Jr. (2006). Chapter 38: Applying usability engineering principles to the design and testing of warning text. In M. S. Wogalter (Eds.) *Handbook of Warnings*. Mahwah, NJ: Lawrence Erlbaum Associates, Inc.

Wogalter, M. S., Conzola, V. C., & Vigilante, W. J., Jr., (1999). Applying usability engineering principles to the design and testing of warning messages. In Proceedings from the Human Factors and Ergonomics Society 43rd Annual Meeting (pp. 921-925). Santa Monica, CA: The Human Factors and Ergonomics Society.

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Wogalter, M. S., Magurno, A. B., Carter, A. W., Swindell, J. A., Vigilante, W. J., Jr., & Daurity, J. G. (1995). Hazards associations of warning header components. In Proceedings from the Human Factors and Ergonomics Society 39th Annual Meeting (pp. 979-983). Santa Monica, CA: The Human Factors and Ergonomics Society.

Wogalter, M. S., & Vigilante, W. J., Jr. (2006). Chapter 18: Attention switch and maintenance. In M. S. Wogalter (Eds.) Handbook of Warnings. Mahwah, NJ: Lawrence Erlbaum Associates, Inc.

Wogalter, M. S., & Vigilante, W. J., Jr. (2003). Effects of label format on knowledge acquisition and perceived readability by younger and older adults. *Ergonomics*, 46(4), 327-344.

Wogalter, M. S., & Vigilante, W. J., Jr. (2001). Formatting Print on OTC Drug Labels to Benefit Seniors' Knowledge Acquisition Performance. In Proceedings from the Human Factors and Ergonomics Society 45th Annual Meeting (pp. 1481). Santa Monica, CA: The Human Factors and Ergonomics Society.

Wogalter, M. S., Vigilante, W. J., Jr., & Baneth, R. C. (1998). Availability of operator manuals for used consumer products. *Applied Ergonomics*, 29(3), 193-200.

TECHNICAL REPORTS

Calcaterra, J., Sawin, D., Vigilante, W. J., Jr., & Ray, R. (August, 2002). Access connections usability test report. IBM Technical Report # 29.3557, Internal Use Only. Research Triangle Park, NC: International Business Machine.

Krauss, F. S. H. & Vigilante, W. J., Jr. (September, 2002). A comparative study of alternative design for the IBM Microelectronics Internet Web site. IBM Technical Report # 29.3573, Internal Use Only. Research Triangle Park, NC: International Business Machine.

Krauss, F. S. H. & Vigilante, W. J., Jr. (February, 2002). A Reference Guide for Remote Usability Activities Using NetMeeting and Sametime. IBM Technical Report # 29.3493, Internal Use Only. Research Triangle Park, NC: International Business Machine.

Stewart, A. & Vigilante, W. J., Jr. (January, 2002). IBM monitor design recommendations. IBM Technical Report # 29.3491, Internal Use Only. Research Triangle Park, NC: International Business Machine.

Stewart, A. & Vigilante, W. J., Jr. (July, 2001). IBM on-screen display (OSD) specifications for CRT and TFT monitor menus. IBM Technical Report # 29.344, Internal Use Only. Research Triangle Park, NC: International Business Machine.

Vigilante, W. J., Jr. (June, 2003). XML DITA post-beta CUPRIMDSO survey. IBM Technical Report # 29.3656, Internal Use Only. Research Triangle Park, NC: International Business Machine.

Vigilante, W. J., Jr. (May, 2003). XML DITA post-beta program online survey. IBM Technical Report # 29.3648, Internal Use Only. Research Triangle Park, NC: International Business Machine.

Vigilante, W. J., Jr. (March, 2003). DITA trademark UCD test session results. IBM Technical Report # 29.3625, Internal Use Only. Research Triangle Park, NC: International Business Machine.

Vigilante, W. J., Jr. (January, 2003). DITA language reference guide usability assessment. IBM Technical Report # 29.3609, Internal Use Only. Research Triangle Park, NC: International Business Machine.

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Vigilante, W. J., Jr. (November, 2002). DITA map usability evaluation. IBM Technical Report # 29.3595, Internal Use Only. Research Triangle Park, NC: International Business Machine.

Vigilante, W. J., Jr. (October, 2002). MetaDor map editor usability evaluation. IBM Technical Report # 29.3585, Internal Use Only. Research Triangle Park, NC: International Business Machine.

Vigilante, W. J., Jr. (September, 2002). Epic DITA map Relationship table usability assessment. IBM Technical Report # 29.3576, Internal Use Only. Research Triangle Park, NC: International Business Machine.

Vigilante, W. J., Jr. (September, 2002). Yield Management Web site utility design walkthrough and accessibility review. IBM Technical Report # 29.3574, Internal Use Only. Research Triangle Park, NC: International Business Machine.

Vigilante, W. J., Jr. (August, 2002). Epic, Frame2000, and XMetaL feature survey. IBM Technical Report # 29.3561, Internal Use Only. Research Triangle Park, NC: International Business Machine.

Vigilante, W. J., Jr. (August, 2002). Iterative evaluation of the information development workbench transform UI. IBM Technical Report # 29.3555, Internal Use Only. Research Triangle Park, NC: International Business Machine.

Vigilante, W. J., Jr. (June, 2002). Comparison of usability testing methodologies. IBM Technical Report # 29.3534, Internal Use Only. Research Triangle Park, NC: International Business Machine.

Vigilante, W. J., Jr. (June, 2002). Epic and Frame2000 XML editor usability recommendations. IBM Technical Report # 29.3533, Internal Use Only. Research Triangle Park, NC: International Business Machine.

Vigilante, W. J., Jr. (June, 2002). IBM XML DITA usability recommendations. IBM Technical Report # 29.3532, Internal Use Only. Research Triangle Park, NC: International Business Machine.

Vigilante, W. J., Jr. (June, 2002). XMetaL 3.0 Editor Usability Evaluation. IBM Technical Report # 29.3531, Internal Use Only. Research Triangle Park, NC: International Business Machine.

Vigilante, W. J., Jr. (Oct, 2000). IBM High Rate Wireless LAN PC card: usability test and competitive evaluation. IBM Technical Report # 29.338, Internal Use Only. Research Triangle Park, NC: International Business Machine.

Vigilante, W. J., Jr. (August, 2000). Personal Systems Group (PSG) eCIM usability study. IBM Technical Report # 29.3393, Internal Use Only. Research Triangle Park, NC: International Business Machine.

Vigilante, W. J., Jr. (February, 2000). Options by IBM (OBI) Tape drive focus group study. IBM Technical Report # 29.3381, Internal Use Only. Research Triangle Park, NC: International Business Machine.

Vigilante, W. J., Jr. (Dec. 1999). IdeaScan 2000 usability study and competitive evaluation. IBM Technical Report # 29.3258, Internal Use Only. Research Triangle Park, NC: International Business Machine.

Vigilante, W. J., Jr. (August 1999). Personal Systems Group (PSG) web site study and competitive analysis. IBM Technical Report # 29.3195, Internal Use Only. Research Triangle Park, NC: International Business Machine.

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Vigilante, W. J., Jr. & Calcaterra, J. (October, 2002). IBM internal remote testing hints and tips. IBM Technical Report # 29.3584, Internal Use Only. Research Triangle Park, NC: International Business Machine.

Vigilante, W. J., Jr. & Hunt J. (May, 2003). Lotus WordPro feature on-line survey. IBM Technical Report # 29.3647, Internal Use Only. Research Triangle Park, NC: International Business Machine.

Vigilante, W. J., Jr. & Krauss, F. S. H. (September, 2002). Physical Design Turn-Around-Time Web site utility usability assessment. IBM Technical Report # 29.3562, Internal Use Only. Research Triangle Park, NC: International Business Machine.

Vigilante, W. J., Jr. & Ortega, K. (June, 2003). ISIT Deployer V2.1 usability test results. IBM Technical Report # 29.3652, Internal Use Only. Research Triangle Park, NC: International Business Machine.

Vigilante, W. J., Jr. & Priestley M. (March, 2003). Output formatting of DITA related links: Web survey results. IBM Technical Report # 29.3626, Internal Use Only. Research Triangle Park, NC: International Business Machine.

PUBLISHED PATENTS

- Insertion of Null Packets to Mitigate the Effects of Interference in Wireless Communications
 - Lyle, R.D., Lynch, J.P., Udoh, U.E., & Vigilante W.
 - US Patent No. US 7,920,618 B2. Date: April 2011
- Apparatus and Method Employing Dynamic Hop Sequence Adjustment in FHSS Networks.
 - Lyle, R. D., Lynch, J. P., Quinn, M., & Vigilante, W. J., Jr.
 - US Patent No. 7,269,199. Date: September 11, 2007
- Apparatus, System, and Method for Mitigating Access Point Data Rate Degradation Lyle, R. D.,
 - Lynch, J. P., Reed, S. W., & Vigilante, W. J., Jr.
 - US Patent No. US 7,039,417. Date: May 2, 2006
- Portable Computer System with Hand-Warming.
 - Lyle, R. D., Lynch, J. P., Quinn, M. & Vigilante, W. J., Jr.
 - US Patent # US 6,878,902. Date: April 12, 2005
- Apparatus and system for vertically storing computing devices.
 - McClain, B.R., Nay, D.T., & Vigilante, W. J., Jr.
 - US Patent No. 7,527,155. Date: February 11, 2004
- Network Controller Having Dynamic Hop Sequence Adjustment in FHSS.
 - Lyle, R. D., Lynch, J. P., Quinn, M., & Vigilante, W. J., Jr.
 - Publication No. US 2005/0047481 A1. Date: March 3, 2005
- Authorization of Payment for a Commercial transaction VIA a Bluetooth Enabled Device.
 - Abell, J., Lynch, J. P., Oxrieder, C. B., Usen U., & Vigilante, W. J., Jr.
 - Pub. No.: US 2003/0172028 A1. Date: September 11, 2003

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History of Expert Testimony by Deposition or Trial

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<u>Date</u>	<u>Case Name and Description</u>
3/2012	Ryan Duff v. The Key West Reach Limited Partnership, et al. Circuit Court 16 th Judicial District Case No. 2011-CA-79-K Monroe County, FL; Deposition
3/2012	Community Association Underwriters of America, Inc et al. v. Widmer's, et al. Circuit Court Division I No. 09-CI-2752 Kenton, KY; Deposition
4/2012	American Family Mutual Insurance Company, a/s/o John Power and Debra Doll- Power v. Electrolux North America, Inc. et al United States District Court 1:10-CV-07864 Northern District of Illinois; Deposition
5/2012	Royal Indemnity Company, et al. v. Crane Company, et al. Civil Action File #: CV 114-405 Superior Court of Fulton County, GA; Trial
5/2012	Jessica Durkin v. Paccar, Inc. et al United States District Court Civil Action No.: 1:10-cv-02013-JHR-AMD District of New Jersey; Deposition
5/2012	Doniel Kleiman, Steve Kleiman v. Jay Peak Inc. et al United States District Court Civil Action No.: 1:10-cv-83 District of Vermont; Deposition
6/2012	Commonwealth of PA vs. John Epps, Jr. Criminal Action No. CP-67-CR-0001332-2011 Court of Common Pleas, York County, PA; Trial
7/2012	Linus Brock et al. vs Sewerage & Water Board of New Orleans et al. Case No. 2008-02861 Civil District Court for the Parish of Orleans, LA; Deposition

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<u>Date</u>	<u>Case Name and Description</u>
8/2012	James Markham v. Hall Worldwide Transportation, LLC et al. United States District Court Civil Action No: 5:11-CV-95; Southern District of GA, Waycross Division; Deposition
10/2012	Mitchell Robinson et al v. YJ USA Corp. d/b/a JumpKing, et al Cause No. 45D11-0809-CT-00118 Superior Court, Crown Point, IN; Deposition
11/2012	Shirley and Ronald Pittman v. Joshua E. Hess, MAJA, Inc., Fedex Ground Package System, et al Cause No. 79D01-1106-CT-00048 Tippecanoe Superior Court, IN; Deposition
12/2012	Faith and Alex Hobbs v. Burger King Corp. United States District Court Case No. 2:11-cv-01469-DCN District of South Carolina, Charleston Division; Deposition
12/2012	John McCray v. Washington Nationals Baseball Club, LLC et al. No. 2011CA000101B Superior Court – Civil Division District of Columbia; Trial
1/2013	John and Emily McGrath v. Rust-Oleum Corp, et al. United States District Court Case No. 2:12-cv-01719-JP Eastern District of Pennsylvania; Deposition
4/2013	Jacqueline Downing and IDA Wescott v. UCS, Inc. United States District Court Civil Action No.: 2:12-CV-638/9 Eastern District of Virginia: Deposition
5/2013	Mike Allen and Leah Allen, et al. v. Christopher Aaron Poskey, et al. Cause No. 2012-212 County Court Panola County, TX; Deposition
7/2013	Megan Smith vs. In Gear Fashions, Inc., et al.

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<u>Date</u>	<u>Case Name and Description</u>
	Civil Action No. 07-C-806-DS Circuit Court Mercer County, WV; Deposition
8/2013	David Vititoe v. Rocky Mountain Pavement Maintenance, Inc. et al. Civil Action No. 2010-CV-8156 District Court Denver County, CO; Trial
10/2013	Peter Hetzler v. Sunday River Skiway Corporation Docket No. CV-2012-6 Superior Court Oxford County, ME: Deposition
11/2013	Kimberly Greenberg v. Larox, Inc Civil Action No. 6:2011-cv-06524 United States District Court Western District of New York: Deposition
12/2013	Akira Nakasato v. 331 W. 51 st Corp and Eleben Yau-Mei Wong Index No. 103045/09 Supreme Court New York County, NY: Trial
12/2013	Daniel Webb and Margaret Webb v. Oak Leaf Outdoors, et al. 11-CV-02456 United States District Court Eastern District of Pennsylvania: Deposition
1/2014	Chalrie Mae Wade, as Administratrix Ad Litem of the Estate of Johny Lewis Williams, deceased v. James C. Townley Jr, et al CV-2011-900606 Circuit Court Jefferson County, AL: Deposition
2/2014	Jesus Flores v. Alexander Andrew, Inc. d/b/a Fall Tech Cause No.: 29D01-0809-CT-01133 Superior Court Hamilton County, IN; Deposition

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<u>Date</u>	<u>Case Name and Description</u>
7/2014	Scot and Patricia Vandenberg vs. Brunswick Corporation, et al. No. 2010 L 003188 Circuit Court Cook County, IL; Deposition
8/2014	Eric Carter et al, vs. US of America Civil Action No. 4:13-cv-112 United States District Court Eastern District of VA; Trial
9/2014	Ruth Vincent vs. Benjamin J. Solomon, III, et al. Docket No. UNN-L-318-09 Superior Court Union County, NJ; Deposition
10/2014	Keisha Hudson vs. DC Water and Sewer Authority Case No. 2013 CA 003721B Superior Court Washington, DC; Deposition
10/2014	Raul Nunez vs. Martin Leasing, et al. Case No. 11 L 7937 Circuit Court Cook County, IL; Deposition
12/2014	James C. Fuda, et al. vs. King County, et al. Consolidated Cause No. 11-2-19682-8 Superior Court King County, WA; Deposition
2/2015	Jordan Lumber & Supply, Inc., et al. vs. Quality Sprinkler Co., Inc. Case No. 13-CVS-61 NC Superior Court Montgomery County, NC; Deposition
3/2015	John Parkhurst / Karen Thiesfeld / Sandra Barkley / John and Jane Doe, as parent and next of friend of A.S., a minor vs. DC WASA Case No. 2013 CA 003811/13/14/55 B Superior Court District of Columbia; Deposition

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<u>Date</u>	<u>Case Name and Description</u>
3/2015	Member select Insurance Company, a/s/o Chris and Renata Loiotile v. Electrolux Home Products, Inc. and Sears Holding Corporation Case No. 1:13-cv-4097 United States District Court Northern District of Illinois, Eastern Division; Deposition
4/2015	Virginia and Robert Nester v. Textron, Inc. et al. Case No. 1:13-CV-00920-LY United States District Court Western District of Texas; Deposition
5/2015	Anthony DiBiaso v. Peter Dremonas, Koubaro, Inc. d/b/a Pete's Produce et al. Case No. 13 L 009445 Circuit Court Cook County, IL; Deposition
6/2015	Scot and Patricia Vandenberg vs. Brunswick, Corporation, et al. No. 2010 L 003188 Circuit Court Cook County, IL; Trial
6/2015	Debra Jane Phipps, Guardian of Wesley Baker v. PBV Conway-Myrtle Beach, LLC and Robert O'Neal McCants No 2014-CP-26-654 Court of Common Pleas 15 th Judicial Circuit Horry Counter, SC; Deposition
6/2016	Westfield Insurance A/S/O Michael Flynn v. Modern Glass, Paint and Tile Company Civil Action No: 12-CV-288 Court of Common Pleas Guernsey County, OH; Deposition
7/2014	Ramon Ernesto Ortega v. Hector Enrique Lopez, Osceola Farms Co. Case No: 502013CA012062XXXXMB-AO Circuit Court of the 15 th Judicial Circuit Palm Beach County, FL; Deposition

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<u>Date</u>	<u>Case Name and Description</u>
7/2015	Walter and Theresa Mazur vs. City of Philadelphia, et al. No. 130900815 Court of Common Pleas Philadelphia County, PA; Trial
7/2015	Robert and Catherine Connelly vs. Rhino Quatermasters, Inc. d/b/a Planet Fitness No. 140301681 Court of Common Pleas Philadelphia County, PA; Trial
8/2015	United Preferred Insurance Company a/s/o Jason and Melinda Swanson v. Electrolux North America, Inc., et al. Case No. 14-cv-50169 United States District Court Northern District of Illinois, Western Division; Deposition
10/2015	Kelvin & Krystle Carr v. Taylor Industries, LLC Case No. 369-14-5162 District Court 369 th Judicial District Anderson County, TX; Deposition
10/2015	Sarah and Barry Hantman vs. James Boozan Docket No.: MER-L-2158-13 Superior Court of New Jersey Mercer County, NJ; Deposition

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October 1, 2015

Patrick Hughes, Esq.
de Luca Levine
Three Valley Square, Suite 220
Blue Bell, PA 19422
Phone: (215) 383-0227
Fax: (215) 383-2081
Email: phughes@delucalevine.com

Re: Retention Agreement for Parvez & Razia Yazdani v. BMW of North America, LLC, et al:
15VF0005

Dear Attorney Hughes:

Thank you for contacting me regarding the Parvez & Razia Yazdani v. BMW of North America, LLC, et al. matter. I look forward to assisting you with this investigation. I am a certified professional ergonomist (CPE) with over 20 years of experience in the field of human factors and ergonomics. My credentials are detailed in the attached CV.

Fee Schedule: The following applies to all case related work, such as: file review, research, analysis, calculations, inspections, meetings, telephone conferences, reports, documents, testimony preparations, deposition and trial testimony, and travel. Any delay in our performance under this Agreement shall be excused to the extent caused by Acts of God, governmental action, or any other causes beyond our reasonable control.

1. Fee. All non-testimony services provided to you will be invoiced at \$335.00 per hour. When travel on behalf of your case is required, travel time will be invoiced at our full rate portal to portal. Deposition and trial testimony will be invoiced at \$385.00 per hour. Videotaped testimony at deposition or for trial will be invoiced at \$435.00 per hour. All rates are subject to change.

2. Expenses. Out-of-pocket expenses will be passed along to you at our actual cost(s). This is inclusive of travel costs such as airfare, accommodations, meals, rental vehicles, copying, subcontracted activity and demonstrative evidence. Vehicle mileage for travel will be invoiced at the highest mileage rates approved by the Internal Revenue Service.

3. Invoicing and Payment. Invoices for fees and expenses will be prepared for you on an in-progress basis, and must be fully paid within thirty (30) days of receipt. We may require you to prepay certain expenses in advance, either by paying such expenses on our behalf, or paying us the estimated amount of such expenses. If you prepay an expense, and our actual expense differs from the amount you prepaid, your next invoice will reflect the additional charge, or credit, as appropriate. Balances not paid in full when due shall accrue interest at the lesser of 1.5% per month, or the highest legal applicable rate. In

200 Pembroke Circle
Phoenixville, PA 19460

Tel: 267.439.1551
bill@vigilante forensic.com

www.vigilante forensic.com

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the event that your account carries any outstanding balance, we reserve the right to either: (i) suspend all activity on your matter until the balance is paid in full, or (ii) terminate this Agreement effective upon notice to you. If we elect to terminate this Agreement, upon such termination, our obligation to perform any further services under this Agreement shall end, and we will be entitled to the outstanding balance, along with any accrued interest, interest accruing after termination, any expenses incurred by us in order to comply with our legal obligations related to the underlying matter, and our costs of collection (including reasonable attorney fees). All balances must be paid in full prior to any testimony being provided unless other agreed upon arrangements have been made.

4. Your Obligations. To enable us to perform our obligations under this Agreement, you agree to promptly provide us with copies of, or access to, all non-privileged, arguably relevant documents, evidence and other materials in the underlying legal matter, provide us with timely notification of important dates, deadlines, and reschedules, be reasonably available to meet with us, and reasonably responsive to our communications. You also agree to provide timely alert to any challenges or motions to exclude or limit our testimony in whole or in part and provide us with an opportunity to assist and/or prepare in any response or hearing related to the challenge and/or motion. You also agree that your conduct as it relates to our involvement in this matter will comply with the ethical rules governing your profession. You agree not to misrepresent the scope of our involvement in this, or any, matter, and you further agree not to disclose our involvement in this matter to any third party unless and until you must do so in order to comply with your professional obligations, or the rules of the court, or other law or order. Finally, you agree to give us as much prior notice as possible prior to making any such disclosure.

5. Parties in Interest. This Agreement is strictly between you, as our client, and Vigilante Forensic. You are responsible for all payment obligations under this Agreement. In no case shall your payment obligations to us be dependent upon the findings or opinions we render, or on the outcome of any legal action, mediation, arbitration, or the amount or terms of any settlement of the underlying legal cause, or on any contractual arrangement between you and your client(s) or any other person or party.

6. Termination. You may terminate this Agreement for any reason upon ten (10) days written notice, provided that any balance you may have is paid in full prior to termination. You agree that we may terminate this Agreement as provided above (for non-payment), or if you have repeatedly or materially failed to perform one or more of your obligations in Section 4, in either case, upon ten (10) days written notice to you. You also agree that, upon termination, you will take all actions necessary to cause us to be removed or withdrawn from any on-going litigation, to the extent permitted by the court (if applicable).

7. Records and Documentation. All original documents, records, files and other original materials that we receive from you or others, pertaining to the underlying matter, may be

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returned to you within thirty (30) days after the conclusion of the matter, or other termination of this Agreement at your expense. We reserve the right to retain our notes and work product, as well as copies of the materials we return to you, to the extent reasonably necessary to complete our file on this matter. Notwithstanding, you agree that we are under no obligation to retain files on your behalf, or on behalf of any third party, after the matter concludes or this Agreement terminates. All case related work created or produced by us on your behalf will remain confidential during and upon termination of this agreement and will not be released or published to a third-party without your express consent unless required by an authorized court (if applicable).

8. **Dispute Resolution.** You agree that should any disputes arise under this agreement that the agreement is to be determined under the laws of the Commonwealth of Pennsylvania. Both parties hereby consent to the jurisdiction of the state and Federal courts located in Chester and Philadelphia County, Pennsylvania, respectively, for the resolution of any disputes concerning this Agreement.

9. **Guarantee of Exclusivity.** In consideration of the Initial Engagement Fee, we agree not to work for any other person or party involved in the underlying matter, or on matters relating thereto, for the duration of this Agreement; provided that this guarantee shall not prohibit us from complying with our legal obligations arising out of the matter.

10. **Initial Engagement Fee.** We require an initial non-refundable Engagement Fee in the amount of \$2500.00, to be paid along with your delivery of this executed retention agreement, before we are bound under this Agreement (including the exclusivity guarantee) or begin work. The non-refundable Engagement fee will be applied to your initial invoice(s). All payment should be to "Vigilante Forensic."

If you agree with all of the terms in this retention agreement, please sign below and return to Vigilante Forensic (EIN: 47-4535698) with the Initial Non-Refundable Engagement Fee / Guarantee of Exclusivity. Thank you again for the opportunity to assist in this investigation.

Sincerely,



William J. Vigilante Jr., PhD, CPE
President, Vigilante Forensic



Patrick Hughes, Esq.

10/1/15
Date

Enclosure: CV for WJV

200 Pembroke Circle
Phoenixville, PA 19460

www.vigilanteforensic.com

Tel: 267.439.1551
bill@vigilanteforensic.com